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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,328	01/31/2002	Kulvir Singh Bhogal	AUS920010652US1	3988

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09/08/2005

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EXAMINER

NGUYEN, THANH T

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/062,328

Applicant(s)

BHOGAL ET AL.

Examiner

Tammy T. Nguyen

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/28/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.



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Detailed Office Action

1. This action is in response to the application 10/062329 filed. **January 31, 2002**
2. Claims 1-18 have been examined.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Joseph et al. (USPN 6,628,615 – Date of Patent: September 30, 2003, herein referred to as “Joseph”).
5. As to claim 1, Joseph teaches the invention as claimed, including a method for splitting a bandwidth among a plurality of network transactions, said method comprising: displaying a communication requesting a priority of a network

- transaction (see col.7, lines 1-20); and receiving an input indicating the priority of the network transaction (see col.7, lines 21-33).
6. As to claim 2, Joseph teaches the invention as claimed, further comprising: monitoring a port address for an initiation of the network transaction (see col.6, lines 10-22, and col.8, lines 1-26).
 7. As to claim 3, Joseph teaches the invention as claimed, further comprising: detecting an initiation of the network transaction, wherein the communication is displayed subsequent to a detection of the initiation of the network transaction (see col.5, lines 66 to col.6, lines 23).
 8. As to claim 4, Joseph teaches the invention as claimed, further comprising: creating a thread for controlling a processing of the network transaction in response to a detection of the initiation of the network transaction (see col.5, lines 66 to col.6, lines 23).
 9. As to claim 5, Joseph teaches the invention as claimed, further comprising: generating a priority schedule based upon the priority corresponding to the network transaction as indicated by the input (see col.7, lines 1-33).
 10. As to claim 6, Joseph teaches the invention as claimed, further comprising: executing the thread to control the processing of the network transaction in accordance with the priority schedule (see col.7, lines 13 -33).
 11. As to claim 7, ~~JOSEPH~~ teaches the invention as claimed, including a system for splitting a bandwidth among a plurality of network transactions, said system comprising: means for displaying a communication requesting a priority of a network

- transaction (see col.7, lines 1-20); and means for receiving an input indicating the priority of the network transaction (see col.7, lines 21-33).
12. As to claim 8, Joseph teaches the invention as claimed, further comprising: means for monitoring a port address for an initiation of the network transaction (see col.6, lines 10-22, and col.8, lines 1-26).
 13. As to claim 9, Joseph teaches the invention as claimed, further comprising: means for detecting an initiation of the network transaction, wherein the communication is displayed subsequent to a detection of the initiation of the network transaction (see col.5, lines 66 to col.6, lines 23).
 14. As to claim 10, Joseph teaches the invention as claimed, further comprising: means for creating a thread for controlling a processing of the network transaction in response to a detection of the initiation of the network transaction (see col.5, lines 66 to col.6, lines 23).
 15. As to claim 11, Joseph teaches the invention as claimed, further comprising: means for generating a priority schedule based upon the priority corresponding to the network transaction as indicated by the input (see col.7, lines 1-33).
 16. As to claim 12, Joseph teaches the invention as claimed, further comprising: means for executing the thread to control the processing of the network transaction in accordance with the priority schedule (see col.7, lines 13 -33).
 17. As to claim 13, Joseph teaches the invention as claimed, including a computer program product in a computer readable medium for splitting a bandwidth among a plurality of network transactions, said computer program product comprising:

- computer readable code for displaying a communication requesting a priority of a network transaction (see col.7, lines 1-20); and computer readable code for receiving an input indicating the priority of the network transaction (see col.7, lines 21-33).
18. As to claim 14, Joseph teaches the invention as claimed, further comprising:
computer readable code for monitoring a port address for an initiation of the network transaction (see col.6, lines 10-22, and col.8, lines 1-26).
19. As to claim 15, Joseph teaches the invention as claimed, further comprising:
computer readable code for detecting an initiation of the network transaction, wherein the communication is displayed subsequent to a detection of the initiation of the network transaction (see col.5, lines 66 to col.6, lines 23).
20. As to claim 16, Joseph teaches the invention as claimed, further comprising:
computer readable code for creating a thread for controlling a processing of the network transaction in response to a detection of the initiation of the network transaction (see col.5, lines 66 to col.6, lines 23).
21. As to claim 17, Joseph teaches the invention as claimed, further comprising:
computer readable code for generating a priority schedule based upon the priority corresponding to the network transaction as indicated by the input (see col.7, lines 1-33).
22. As to claim 18, Joseph teaches the invention as claimed, further comprising:
computer readable code for executing the thread to control the processing of the network transaction in accordance with the priority schedule (see col.7, lines 13-33).

Conclusion

23. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at (571) 272-3929. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to (703) 872-9306. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, David Wiley, may be reached at (571) 272-3923:

TTN
September 1, 2005

MARC D. THOMPSON
MARC THOMPSON
PRIMARY EXAMINER